

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARRY YOUNG,

Plaintiff,

v.

LOCAL 1201, FIREMEN & OILERS
UNION,

Defendant.

CIVIL ACTION

No. 07-3576

MEMORANDUM/ORDER

On September 29, 2009, this court issued an opinion and order (docket nos. 27-28) granting the motion for summary judgment brought by defendant Local 1201, Firemen & Oilers Union. Plaintiff Barry Young moved for reconsideration of that order (docket no.32), and the union filed a response in opposition (docket no. 33). Thereafter, plaintiff filed a reply in support of his motion (docket no. 35).

In his reply, plaintiff states that, at his deposition, he testified that he “told someone” that Timothy McCollum, his former supervisor at the School District of Philadelphia, “discriminated against” plaintiff. Resp./Reply, at 3. Plaintiff elaborates that he refused to inform counsel of the identity of that person or persons, lest they “be harassed.” *Id.* Plaintiff now, however, further states that he “told several [Building Engineer Trainee] class members [McCollum] was a racist,” and “even called” his state representative’s office to “complain[] of racism and discrimination.” *Id.*

Presumably because plaintiff’s submission was a reply brief, the union has not

filed a response. Plaintiff's argument, if factually supported, nevertheless has some potential resonance insofar as it may be thought to run counter to this court's ruling that Young's retaliation claim failed because he did not engage in any activity protected by Title VII. *See* Docket No. 27, at 13. Accordingly, a detailed response on this issue from the union would facilitate disposition of the cross motions for reconsideration.

AND NOW, this 19th day of January, 2010, it is hereby **ORDERED** that defendant Local 1201, Firemen & Oilers Union shall, within twenty (20) days of the date of this order, respond in detail to that portion of plaintiff's Brief in Opposition to Defendant's Motion for Reconsideration and Response to Defendant's Response to Plaintiff's Motion (docket no. 35) labeled as plaintiff's point four, which states that plaintiff had issued complaints of discrimination and had so testified at his deposition.

BY THE COURT:

/s/Louis H. Pollak
Pollak, J.